

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on Plaintiff's unopposed motion to seal portions of Defendant's Seventh Motion to Compel Discovery and related documents. Plaintiff seeks to seal these filings on the ground they "contain sensitive business and technical information concerning Syngenta's confidential communications with third parties, and Syngenta's strategies on sales, marketing, generic competition, its patent portfolio, and evaluating potential illegal azoxystrobin products and potential infringement of and enforcement of its intellectual property." (Mot. Seal [DE #247] at 1.) Where appropriate, Plaintiff has filed proposed redacted versions of the documents, omitting the portions it contends should not be available to the public.

For the reasons set forth in Plaintiff's motion and supporting memorandum, the court finds that the public's common law right of access is outweighed by Plaintiff's interests in protecting against competitive and/or financial harm to Plaintiff were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of Plaintiff's request to seal and a reasonable opportunity to object have been provided by the filing of its motion, and no objections

have been filed with the court. Plaintiff has narrowly tailored its request to remove only information that is sensitive and confidential and not otherwise publicly known. Plaintiff's motion is therefore allowed.

CONCLUSION

For the foregoing reasons, Plaintiff's Motion to Seal [DE #247] is GRANTED, and the following documents shall be SEALED:

a. Defendant's Seventh Motion to Compel Discovery [DE #235]. A redacted version of this filing is available to the public on the court's docket at DE #248-3;

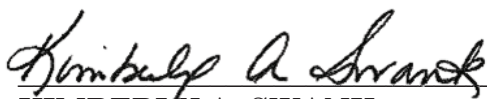
b. Defendant's Memorandum in Support of its Seventh Motion to Compel Discovery [DE #236]. A redacted version of this filing is available to the public on the court's docket at DE #248-4];

c. Exhibits 2, 4, 5, 8, 10, 12, 15, 17, 21, 23, 24, 25, and refiled exhibit 3 to Declaration of Robert J. Scheffel in Support of Defendant's Seventh Motion to Compel Discovery [DE ##237-3, 237-5, 237-6, 237-9, 237-11, 237-13, 237-16, 237-18, 237-22, 237-24, 237-25, 237-26, 239]. Redacted versions of Exhibits 2, 4, 5, 8, 10, 12, 15, 21, 23, 24, and refiled Exhibit 3 are available to the public on the court's docket at DE ## 248-5, 248-6, 248-7, 248-8, 248-9, 248-10, 248-11, 248-12, 248-13, 248-14, 248-15;

d. Plaintiff's Response to Defendant's Seventh Motion to Compel Discovery [DE #245]. A redacted version of this filing is available to the public on the court's docket at DE #248-16; and

e. Exhibit 3 to Declaration of Patricia A. Carson in Support of Plaintiff's Response to Defendant's Seventh Motion to Compel Discovery [DE #246-4]. A redacted version of this filing is available to the public on the court's docket at DE #248-17.

This 6th day of January 2022.


KIMBERLY A. SWANK
United States Magistrate Judge